

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MELVIN LOWE,

Plaintiff,

vs.

CASE NO. 2:05-CV-0495

MONTGOMERY COUNTY BOARD

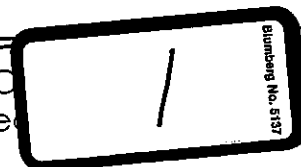
OF EDUCATION, et al.,

Defendants.

* * * * *

The deposition of MELVIN ALONZA LOWE, III, was taken before Cornelia J. Baker, Certified Court Reporter and Certified Shorthand Reporter, as Commissioner, on Tuesday, January 3, 2006, commencing at approximately 9:41 a.m., in the law offices of Beers, Anderson, Jackson, 250 Commerce Street, Montgomery, Alabama, pursuant to the stipulations set forth herein.

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1 to school to get your Education
2 Specialist degree?

3 A. I would have to look at the curriculum
4 and then look at the transcript to see
5 the years. It might have been maybe a
6 year and a half.

7 Q. Okay. So what year did you graduate
8 with an Education Specialist?

9 A. That was 2005.

10 Q. What month? Do you remember?

11 A. We are now January. It should have been
12 conferred, I think maybe in November.

13 Q. And what was -- is there any kind of
14 particular category that your Education
15 Specialist degree is in?

16 A. Ed Administration.

17 Q. So that just happened?

18 A. Just happened.

19 Q. The completion of it. Okay. You said
20 you went -- any other degrees or
21 special --

22 A. Nova Southeastern University with an
23 Ed.D.

1 Q. Okay. Hold on. Let me ask you this:
2 Are there any other degrees that you
3 received at Alabama State University --

4 A. No.

5 Q. -- that you haven't already told me
6 about?

7 A. No.

8 Q. All right. And then you went to Nova?

9 A. Nova Southeastern University.

10 Q. Is that a university that you did on
11 line or through the mail?

12 A. No. I attended campus in Atlanta,
13 Georgia, and I even had to attend campus
14 in Ft. Lauderdale, Florida.

15 Q. Where is their main campus?

16 A. They have two campuses, Ft. Lauderdale,
17 Florida, and South Miami Beach.

18 Q. Okay. Did you do some of the courses
19 through correspondence?

20 A. All of the courses were site courses,
21 except for maybe the few that had to be
22 taken on line. All courses were site
23 courses in Atlanta, Georgia.

1 Q. Back before they were bought by -- it's
2 escaping me -- Baptist Health?

3 A. Well, I worked at the location downtown,
4 so it's now closed.

5 Q. Yeah. What years did you work for Troy
6 Massey? You said four years?

7 A. Towards the end of completing my
8 undergraduate degree. I would have to
9 look back.

10 Q. So did you work for him part-time while
11 you were going to college?

12 A. Yes, I did.

13 Q. And what type of job responsibilities
14 did you have for Mr. Massey?

15 A. Anything from possibly running errands,
16 to sitting in on depositions for opening
17 and closing cases, preparing documents
18 for court, litigated issues and
19 concerns.

20 Q. Okay. And what about Dr. Franklin --
21 excuse me -- yeah, Dr. Franklin?

22 A. I worked as a student office assistant.

23 Q. And what about Columbia Regional

1 And let me -- I don't know if
2 we want to count the short-term
3 substitute teaching that I did with
4 Montgomery County prior to my . . .

5 Q. Yeah, we'll get that. We'll get that.
6 I'm sorry, I should have asked about
7 that already, but . . .

8 Okay. So your first full-time
9 teaching position was -- your assignment
10 was at Daisy Lawrence, but you were
11 hired through the Student Support
12 Office?

13 A. Yes.

14 Q. And Lois hired you -- or her office
15 hired you?

16 A. Her office hired me.

17 Q. What was your position?

18 A. Classroom teacher.

19 Q. Well, what did you teach?

20 A. I taught -- it was a self-contained
21 unit. I taught grades five and six
22 regular ed and Special Ed. All
23 exceptionalities.

1 Q. What do you mean by that?

2 A. I had students -- I had IEPs for
3 students who were ED, which at one time
4 was EC, emotionally conflicted; now ED,
5 emotional disorder. Hearing impaired,
6 LD, and MR. And if I recall, I think I
7 had one student who was autistic.

8 Q. When you say -- I know a little bit
9 about self-contained classrooms, but one
10 thing I do know is that different people
11 mean different things when they say
12 self-contained. When you say

13 self-contained, tell us what you mean.
14 A. Self-contained is when you are teaching
15 all subjects. You're not
16 departmentalized. You're teaching all
17 subjects.

18 Q. Well, did the group of students that
19 you'd teach stay with you all day?

20 A. They remained with me all day.

21 Q. So you got them in the morning and you
22 taught the various subjects throughout
23 the day, and they left you in the

1 you make to obtain another job there?

2 A. If I stand corrected, I followed the
3 normal procedures that I had been given
4 through Human Resources to reapply to be
5 reassigned for the following year.

6 Q. And were you reassigned?

7 A. Yes.

8 Q. And where did you go?

9 A. Fitzpatrick Elementary.

10 Q. And what was your teaching assignment?

11 A. Fourth grade basic social, which was a
12 departmentalized setting.

13 Q. What does that mean?

14 A. That means I taught the basic social
15 subjects, math, science, social studies,
16 and P.E. for fourth grade students.

17 Q. Okay. So you had the same group of
18 students all year --

19 A. No.

20 Q. -- you had a fourth grade classroom?

21 Okay. Strike that.

22 A. The department -- I'm sorry.

23 Q. So you had certain subjects for the

1 fourth grade students?

2 A. Yes.

3 Q. Did you teach all of the fourth grade
4 students those subject?

5 A. No. I was paired with another teacher,
6 and we split our students during the
7 day.

8 Q. Okay. So you and another teacher taught
9 all of the fourth graders what you have
10 labeled the basic social classes?

11 A. In two fourth grade units, I taught the
12 basic social subjects. My pair teacher
13 taught the language art subjects. We
14 were not the only fourth grade unit in
15 the school.

16 Q. Right. I understand. Okay. So you did
17 teach all of the fourth graders the
18 basic social . . .

19 A. That were assigned to my teaching unit.

20 Q. In your unit. I gotcha.

21 A. And this was a regular education unit.

22 Q. And did you have any other teaching
23 assignments or responsibilities

1 Q. And did you request that transfer?

2 A. I was presented a job offer, and I
3 accepted.

4 Q. Did you ever at any time ask to be
5 transferred from Fitzpatrick?

6 A. During the course of that year, I
7 initiated an interest in a transfer.

8 Q. When you say you "initiated an interest
9 in a transfer," what do you mean?

10 A. Can you be real clear with me and ask me
11 what do I mean? I initiated an interest
12 towards a transfer.

13 Q. I mean, did you ask to be transferred?
14 Did you talk to Jimmy Barker or talk to
15 anybody?

16 A. I talked -- I communicated with
17 Mr. Barker.

18 Q. And you wanted to be transferred?

19 A. I initiated an interest.

20 Q. Okay. Why did you initiate an interest
21 in being transferred?

22 A. There was, what I thought, some
23 disharmony in the setting at

1 Fitzpatrick, and at that time I felt
2 that a transfer might be the solution.

3 Q. Tell me what you mean by disharmony
4 there. What was going on?

5 A. There was, I think, a misunderstanding
6 between myself and the administrator.

7 Q. And what was that misunderstanding?

8 A. I might have or she might have
9 overexerted certain authorities that I
10 felt uncomfortable with.

11 Q. Okay. And tell us what you mean by
12 that. I mean, what happened? What
13 happened to your relationship or what
14 happened that there was a
15 misunderstanding between you?

16 A. I just felt that she, Ms. Thompson, was
17 over exerting her authorities.

18 Q. What did she do that made you believe
19 that or made you feel that way?

20 A. There were a number of things, just too
21 many to call off the top of my head.
22 But there were just a number of things
23 that I felt uncomfortable with during

1 that year.

2 Q. Okay. Do you mean things that she would
3 ask you to do or times that she would
4 reprimand you? I mean, I'm just trying
5 to get an idea of what it was she was
6 doing that made you uncomfortable.

7 A. Her disposition. I was uncomfortable
8 with her disposition.

9 Q. Like in the manner that she dealt with
10 you, her mannerisms, her tone?

11 A. Yes. We can say that, that I was
12 uncomfortable with her tone and her
13 overall demeanor towards me.

14 Q. Would she ever correct you or talk to
15 you about the way you were teaching, and
16 you would become unhappy with that?

17 A. She never gave me any directives as far
18 as my teaching.

19 Q. Did she ever ask -- did she ever correct
20 you in regards to your teaching?

21 A. She never supervised my teaching,
22 therefore, she never was able to provide
23 me any directives towards my teaching.

1 Q. Okay. Whether or not you think she was
2 capable or should have been able to, was
3 there ever occasions where she
4 attempted, at least, to talk to you
5 about your teaching style or what you
6 were teaching?

7 A. Well, I'm not -- I'm not saying that she
8 was incapable. I'm just saying she
9 never.

10 Q. Okay. So you never had any conferences
11 with her about your job performance at
12 the school?

13 A. We talked just as, I guess, she did with
14 other teachers. I need your lesson
15 plans at this particular time. I might
16 change this particular student out of
17 your room, or do you have everything you
18 need? As far as any directives, I would
19 like to see you teach this way; I do not
20 see this; there were never any
21 communications of that sort.

22 Q. Okay. What did she do that you felt
23 like was exerting too much authority

1 over you?

2 A. The uncomfortableness of her exertions.
3 Some verbal communications that I didn't
4 feel were in my best interest or as far
5 as an academia concern. I didn't feel
6 they had anything to do with my
7 academic -- academia performances. That
8 made me feel uncomfortable.

9 Q. So she would say and do things around
10 you that didn't have anything to do with
11 your job performance, and you thought
12 that was inappropriate?

13 A. I'm not going to say they didn't have
14 anything to do with my job performances.
15 They did not have anything to do with my
16 job presence or my performance in the
17 capacity of a teacher.

18 Q. Okay. Tell us what it was that she
19 would say and do that made you have this
20 uncomfortableness.

21 A. To be very specific, there was an
22 incident when she asked me to conference
23 with her in her office, and she accused

1 me of keeping a disturbance among the
2 faculty.

3 Q. Okay.

4 A. I was totally clueless of what she was
5 talking about. And I felt that she was
6 using her authority as my administrator
7 in having communicated to me, You're
8 nontenured and you've had some problems
9 in the past, and I did you a favor when
10 I hired you. I was uncomfortable with
11 that statement.

12 Q. Okay. And why were you uncomfortable
13 with that?

14 A. I don't find that a normal statement
15 that you would say to an individual, You
16 had problems in your past teaching
17 assignment. Because I knew of none. I
18 didn't know of any problems. To
19 reiterate that I was nontenured, I was
20 currently aware that I was nontenured.
21 And to suggest that you did me a favor,
22 I was totally uncomfortable with that.

23 Q. Okay. Do you know whether she went out

1 on a limb or did you some favor to get
2 you the job at Fitzpatrick? Do you have
3 any awareness about how that came
4 about --

5 A. I don't see where she --

6 Q. Make sure you let me finish my question.

7 A. Yes, yes. I'm sorry.

8 Q. Okay. Do you have any awareness about
9 how that came about, about how you got
10 assigned to her school?

11 A. Ms. Vera Thompson called me at my
12 mother's home one evening after 11:00.
13 And she just asked me, Do you want to
14 teach at Fitzpatrick? Having known of
15 her, I accepted. Going out on a limb?
16 I was fully educated and certified with
17 the correct credentials to teach, so I
18 don't know what type of limb she could
19 have gone out on.

20 Q. Did you know Ms. Thompson before you
21 worked for her?

22 A. Vaguely.

23 Q. You knew of her, but --

1 A. I knew of her.

2 Q. Didn't have any kind of family
3 relationship with her?

4 A. Not at all.

5 Q. Socialize with her or anything like
6 that?

7 A. Not at all.

8 Q. You've described one conversation that
9 you felt was inappropriate or made you
10 feel uncomfortable. Tell us any other
11 conversations that occurred that were
12 like that.

13 A. That was the only conversation that I
14 was totally uncomfortable with. Any
15 other discussions that we had after that
16 had to deal with a student or a
17 conference or a field trip or something
18 of that nature. There was never
19 anything else. That was -- that was
20 somewhat of a beginning and an end.

21 Q. Okay. So when you talk about not being
22 comfortable with the authority that
23 she's exerted over you because of the

1 uncomfortableness you had, you're really
2 talking about that conversation?
3 **A.** And prior to the demise of that
4 behavior, there were some instances
5 where I was uncomfortable when she
6 stepped -- when she entered my
7 classroom. I'm not accustomed to
8 someone entering my classroom and not
9 speaking, especially after I've spoken
10 to you. I'm uncomfortable when my
11 students speak to you and you don't
12 speak back, and they are then looking at
13 me wondering what is going on. And the
14 students can sense that there is some
15 hostility here.

16 I don't appreciate, and I feel
17 uncomfortable when other teachers are
18 asked to supervise me and to report to
19 the administrator what I'm doing. And I
20 guess out of fear of our friendship,
21 those teachers admitted to me this is
22 what I've been asked to do; I just want
23 to stay out of it. Those were the

1 things that made me uncomfortable. And
2 I was uncomfortable the entire year,
3 although there were no more direct
4 conferences that would make me -- I
5 would be able to put my finger on it.
6 But those were the scenarios that I was
7 uncomfortable with the entire year.

8 Q. Okay. Fair enough. Well, who were some
9 of the teachers that told you that they
10 were asked to supervise you?

11 A. Mr. Terry Myrick (phonetic). He's no
12 longer in Montgomery County. He's now
13 teaching in Georgia. He taught next
14 door to me, who communicated that
15 Ms. Thompson asked him on several
16 occasions to let her know what was going
17 on in my room.

18 Q. Do you know why she did that?

19 A. Well, I don't think it's best practice.
20 I don't know why she would have done
21 that, but he verbalized to me that she
22 did it.

23 Q. Yeah. And I'm not questioning that. I

1 guess my question to you is: Do you
2 have an opinion, sitting here today, or
3 a belief about why she began to
4 supervise you or ask other teachers to
5 supervise you? Do you know why?

6 A. In my educational experiences, I've
7 never read that in best practice or in
8 supervisory management. I've never read
9 that as being a practice.

10 Q. So you don't know why she did that?

11 A. No, I don't.

12 Q. Any other teachers?

13 A. Ms. Tonya Stevenson (phonetic).

14 Q. And does she still teach for the school
15 system?

16 A. I'm not sure where Ms. Stevenson is. I
17 want to say she's out of the district as
18 well at this point.

19 Q. Anyone else?

20 A. Those were the only two who admitted to
21 me. There might have been others. I'm
22 not sure.

23 Q. And what did they tell you exactly?

1 What had she asked them to do according
2 to them?

3 A. To -- Mr. Myrick's room was right next
4 to my room.

5 Q. Yes, sir.

6 A. She asked him to let her know what was
7 going on in my classroom. Tonya
8 Stevenson's room was at the other end of
9 the building. And she just told me, I
10 think it was around Christmas, that you
11 are my friend, and I don't want you to
12 be upset with me, but you do know
13 Ms. Thompson asked me to let her know
14 what you were doing in your room, which
15 I don't understand, because your room
16 was at the other end of the building. I
17 mean, it was just too -- I mean, you
18 taught second grade. I taught fourth
19 grade. Mr. Myrick taught fifth grade.
20 There was no reason we would even have
21 to collaborate unless we were possibly
22 dealing with some special needs issues
23 or some curriculum issues, which we

1 didn't do any of that type of planning
2 that year.

3 Q. Did you ever ask Ms. Thompson about this
4 or confront her? Confronting might be a
5 bad word. Did you ask her, Why do you
6 have these folks supervising me? What's
7 the problem?

8 A. No, I didn't. I was not in a position
9 to accost her.

10 Q. Anything else from that year that you
11 can tell us about why you had initiated
12 interest in transferring out of there?

13 A. Just the uncomfortableness with her --
14 her demeanor.

15 Q. And you, in fact, were transferred that
16 summer. I guess you completed that
17 school year?

18 A. Yes. And I did not receive a
19 nonrenewal.

20 Q. Right. And then you were transferred
21 from there to Southlawn?

22 A. Middle. Southlawn Middle School.

23 Q. Southlawn Middle School. I guess -- is

1 there a Southlawn --

2 A. Southlawn Elementary. And there's a
3 Southlawn Middle.

4 Q. Okay. So you went to Southlawn Middle.
5 Was Tina Minott the principal then?

6 A. Yes, she was.

7 Q. And what was your teaching assignment or
8 post that year?

9 A. Middle school science, sixth grade.

10 Q. And that was something you were
11 certified to teach?

12 A. Yes.

13 Q. Okay. Who was the assistant? Was there
14 an assistant principal?

15 A. Yes. Ms. Cynthia Tucker (phonetic).

16 Q. Okay. Did you have any other -- did you
17 have any other teaching assignments or
18 posts that year?

19 A. When you say "post"?

20 Q. Yeah. I used that word, because
21 sometimes some of the teachers, I've
22 noticed, call it post, like if you have
23 assignments where you're supposed to

1 have some kind of after school
2 responsibilities?

3 A. I was -- I don't even know if we used
4 the word "advisor." We might have used
5 the word "advisor" for the dance step
6 and drill team.

7 Q. Okay. But you worked with them whatever
8 the word was?

9 A. Yes, whatever the word they used or we
10 used.

11 Q. Is that something that you were
12 compensated for on the top of your
13 salary or that you volunteered to do?

14 A. That was a volunteer.

15 Q. Okay. Anything else like that that you
16 can think of?

17 A. Not that year.

18 Q. Did you have any problems with Tina
19 Minott similar to what you'd had with
20 Vera Thompson?

21 A. None. Nothing. There were no problems.

22 Q. Okay. So you don't feel like that she
23 ever mistreated you in any way?

1 A. No, I don't.

2 Q. What about with Ms. Tucker?

3 A. Oh, no -- no problem at all.

4 Q. Okay. And let me go back quickly and
5 ask you about Donnie Terry, who was the
6 administrative assistant at Fitzpatrick.

7 A. No problems.

8 Q. No problems with him?

9 A. No problems.

10 Q. Did you ever communicate with him about
11 your problems with Ms. Thompson, or did
12 you just choose not to do that?

13 A. It wasn't in the best interest to do
14 that, and I did not.

15 Q. Okay. So as far as having any
16 complaints or anything of that nature,
17 you would not have had any against
18 Ms. Minott or Ms. Tucker?

19 A. No.

20 Q. Okay. Now, at the end of that year,
21 were you nonrenewed?

22 A. At the end of that year, I was
23 nonrenewed.

1 Q. Okay. And that summer, did you apply
2 for other jobs with the Montgomery
3 County School System?

4 A. Yes, I did.

5 Q. Okay. Do you know what jobs you applied
6 for?

7 A. I would have to look, be provided
8 documents of what I initially applied
9 for. The first thing I did reapply for
10 was to be reassigned.

11 Q. You wanted to go back there?

12 A. Back there or anywhere in the system.

13 Q. Oh, I see what you're saying. Okay.
14 And if I understand correctly, that did
15 not happen at that time?

16 A. It did not happen.

17 Q. Okay. And I take it that you applied
18 with other school systems?

19 A. I did.

20 Q. Okay. And where did you get a job?

21 A. Bullock County.

22 Q. So that was for the -- keeping up with
23 this, the '02-'03 school year, you were

1 in Bullock County?

2 A. Yes, ma'am.

3 Q. And who was the superintendent that
4 year?

5 A. The superintendent that hired me was
6 Mr. Saint, S-A-I-N-T, T. Thomas.

7 Q. Okay. And what school were you assigned
8 to?

9 A. South Highlands, with an S, Elementary.
10 H-I-G-H-L-A-N-D-S.

11 Q. And what was your teaching assignment?

12 A. That year I taught sixth grade reading,
13 departmentalized.

14 Q. And tell us what you mean by
15 "departmentalized."

16 A. Departmentalized, I taught five sections
17 of sixth grade reading all day, first
18 period, second period, and so on.

19 Q. So you taught reading all day, and the
20 sixth graders came to you in shifts?

21 A. And I taught all of the sixth graders in
22 the school.

23 Q. Okay.

1 A. I was the only sixth grade reading
2 teacher.

3 Q. And these were -- you've already said
4 this, but just for clarification --
5 these were all the sixth graders; it
6 wasn't a special category or anything
7 like that?

8 A. These were all the sixth graders.

9 Q. You were the reading teacher for the
10 sixth grade?

11 A. Regular education and Special Education.

12 Q. Okay. Who was your principal?

13 A. Mr. Julius Thomas.

14 Q. And who was the vice president?

15 A. Mr. Anderson Graves.

16 Q. Did you have any problems with
17 Mr. Thomas or Mr. Graves?

18 A. No, no problems at all.

19 Q. No complaints or problems with them?

20 A. None.

21 Q. Were you nonrenewed at the end of that
22 year?

23 A. At the end of that year, yes, all

1 nontenured teachers in the entire
2 district were nonrenewed.

3 Q. Did you attempt to get another job with
4 them, with the Bullock County School
5 System after you were nonrenewed?

6 A. I did. In fact, the superintendent
7 promised, You will be back.

8 Q. And why did you not go back?

9 A. I did go back.

10 Q. To Bullock County?

11 A. Yes.

12 Q. Okay. Oh, yeah, I'm sorry.

13 So you were nonrenewed.

14 Everyone across the district was, and
15 then you got reassigned or placed back
16 into the system?

17 A. Same school.

18 Q. Same school, same job?

19 A. Same school. They just -- instead of
20 teaching reading all day, we then went
21 to -- what did we go to? I think we
22 went to a self-contained setting, and I
23 had the same students all day.

1 Q. For what grade?

2 A. And I taught all subjects. Sixth grade.

3 Q. So you just had a regular sixth-grade
4 class?

5 A. Yes.

6 Q. Okay. And so did you have the same
7 principal and vice principal?

8 A. The same principal. The second year
9 Ms. Harriet (phonetic) -- I can't think
10 of her last name, but we had a female
11 assistant principal.

12 Q. Same question: Did you have any
13 problems with the principal or vice
14 principal in the '03-'04 school year?

15 A. No, I did not.

16 I would -- I didn't finish
17 answering the first question. You asked
18 did I apply to anywhere else after the
19 initial -- the first nonrenewal program
20 from Bullock County.

21 Q. Yes.

22 A. I did. I reapplied to Montgomery County
23 for several positions.

1 Q. So in the summer of '03?

2 A. The summer of '03, the ending of my
3 first full year in Bullock County. To
4 reanswer your first question, I did
5 apply for teaching jobs, and I applied
6 back to Montgomery County.

7 Q. And do you have any specific memory of
8 any particular job, or were you just
9 applying with Montgomery County for any
10 teaching position you were certified?

11 A. I would have to look back at my initial
12 letters of concern or intent. To the
13 best recollection, any job with my
14 certification that would allow me
15 employment, I was seeking those jobs.

16 Q. And that was in the Summer of '03. So
17 you did not get hired by Montgomery
18 public schools that summer?

19 A. Unfortunately not.

20 Q. Okay. So you went back to Bullock
21 County for the '03-'04 school year?

22 A. Yes, I did.

23 Q. Okay. Did you get hired during the

1 course of that year by Montgomery
2 County, or did you complete the year at
3 Bullock County?

4 A. I returned to Montgomery County, if I'm
5 correct, and I would have to look at the
6 contract to make sure, in October of
7 '04. I returned to Montgomery County.

8 MR. PATTY: '03.

9 A. '03.

10 MR. PATTY: It was October
11 '03.

12 Q. Yeah. And I don't want to trick you,
13 but I don't want to put words in your
14 mouth. But I am really off.

15 A. I would have to look back at the --

16 MRS. CARTER: Let's go off
17 the Record for a
18 second.

19 (Whereupon an off-the-Record
20 discussion was held.)

21 MRS. CARTER: All right. So
22 let's go back on the
23 Record.

1 meet with either of us together. He
2 would meet with us separately.

3 Q. Okay. I went through -- I'm not going
4 to promise that I read every word of
5 every sheet of paper, but I tried to go
6 through the documents that your lawyer
7 gave to me to help today go smoother and
8 so that I would know what you had. And
9 I didn't see any kind of notes or
10 anything about conferencing with
11 Dr. Carter. Is that something that you
12 have that you have not provided your
13 lawyer as of yet?

14 A. No. Because I never conferenced with
15 Dr. Carter.

16 Q. Oh, I thought you said you would have to
17 refer to notes regarding when --

18 A. A date. I was going to refer to the
19 notes for a particular date when we
20 initiated a conference. But I never
21 conferenced with Mr. Carter.

22 Q. What would you look at to tell you what
23 date you attempted to talk to him?

1 A. I would maybe have to go back and look
2 at some documentation that I might have
3 provided EEOC to see if a date was in
4 there, when an initial conference --
5 when we tried to made an initial
6 conference. But I'm also sure that his
7 secretary would be able to go through
8 notes to see when the conference was
9 confirmed, when the call was placed for
10 an initial conference, and when the
11 conference was confirmed, and who it was
12 with. But I never met with Mr. Carter.
13 He would not meet with me.

14 Q. Why were you attempting to conference
15 with Dr. Carter?

16 A. After numerous conversations with
17 Mr. Barker and Ms. Lois Johnson, it was
18 suggested that, Melvin, you might want
19 to apologize to Mr. Carter and see if he
20 will let -- and allow you to be rehired
21 in Montgomery County. Ms. Lois Johnson
22 communicated that to both my mother and
23 myself, as well as Mr. Barker. And

1 Mr. Barker reaffirmed that if Dr. Carter
2 says I can hire you, I can have you in a
3 job within an hour or a couple of hours
4 as soon as he says it's okay. It's not
5 me, it's him.

6 Q. Why did you need to apologize to him?
7 What would you be apologizing for?

8 A. I would -- I still don't know. I still
9 don't know.

10 Q. Did it have anything to do with the
11 incident where you were placed on
12 administrative leave due to the
13 interaction with a child while you were
14 at Southlawn Middle School?

15 A. Well, I don't see why I would have to
16 apologize for something I didn't do and
17 I was not found guilty of doing. So,
18 no. I don't know if that was what was
19 intended for me to apologize for. That
20 was never communicated to me by
21 Mr. Barker, that this is an event that
22 you need to apologize for. The only
23 thing that he said, Mr. Barker felt you

1 might need to say for any embarrassments
2 or hard feelings that may be between you
3 and Mr. Carter, you might want to
4 apologize for that.

5 Q. Had you ever -- okay. Who told you
6 that, Jimmy Barker?

7 A. Jimmy Barker.

8 Q. Okay. And he said you needed to
9 apologize for embarrassment or hard
10 feelings?

11 A. Any embarrassments that I might have
12 caused the school system and any hard
13 feelings.

14 Q. And you didn't say, What embarrassment
15 and hard feelings are you talking about?

16 A. At that -- no, I did not. At that
17 point, if that's what he wanted to hear,
18 that's what I was going to say.

19 Q. Well, when you went in to apologize to
20 him, what were you going to apologize
21 for if you didn't know what it was
22 about?

23 A. I was going to apologize for any

1 misunderstandings or hard feelings or
2 embarrassments that I may or may not
3 have caused the school district. That's
4 provided I would have had an opportunity
5 to talk with him.

6 Q. And I understand you didn't talk to him.
7 I'm just confused about what you were
8 going to apologize for if you say,
9 sitting here today, you don't know what
10 you were supposed to have apologized
11 for?

12 A. I'm also confused. I don't know what I
13 did or didn't do that I needed to
14 apologize for.

15 Q. When did you have these conversations
16 with Jimmy Barker?

17 A. Again, I would have to look back at my
18 notes. But it was during the summer
19 before returning to Bullock County.

20 Q. It was in the Summer of '03. So you get
21 nonrenewed after Southlawn. You apply
22 and get a job in Bullock County. And
23 then after that summer, the Summer of

1 '03 -- or was it the summer right after
2 you got nonrenewed from Southlawn?
3 A. The summer after I was nonrenewed from
4 Southlawn, it was almost I was going in
5 circles. I would go out on interviews.
6 Nothing would materialize from that. Or
7 in one particular instance, I was
8 interviewed, and I heard the principal
9 in a conversation with Ms. Carolyn
10 Hicks. And it was stated, Well, I've
11 made my decision, but I'll just
12 interview this person, but I've already
13 made my decision. And that principal
14 even told me, I'm not going to hire you,
15 because you're too educated. I think
16 your concentrations need to be toward
17 administration, and I just can't have
18 you on my faculty. And that was
19 Mr. Michael Linhart (phonetic), who is
20 now assistant superintendent of
21 curriculum instruction, K through six.

22 Q. Where was he a principal?

23 A. He was principal at E.D. Nixon

1 Elementary.

2 Q. And he said he could not hire you
3 because you were too educated?

4 A. He said -- Mr. Linhart's words were in
5 the area, You're too educated. You're
6 very intelligent. I think you need to
7 concentrate on trying to get an
8 administrative position, because I think
9 that's where your focus is. But I'm not
10 going to be able to hire you.

11 Q. Anybody else that you interviewed with
12 that summer that you can tell us about?

13 A. If I stand corrected, he was the only
14 one.

15 Q. That interviewed you that summer?

16 A. That interviewed me. And that was the
17 day before school was to open. That
18 summer I had been given the runaround
19 about receiving interviews, what jobs
20 were available. I was even told that --
21 Mr. Barker informed my mother and I that
22 Ms. Hicks checked with seven principals
23 and none of them wanted Melvin.

1 Q. Okay. I'm looking at something that you
2 gave to EEOC that said that Mr. Barker
3 informed you that Ms. Hicks said that in
4 the Summer of '03, which would have been
5 after you worked in Bullock County a
6 year. So let's look at the Summer of
7 '02. Can you think of anything
8 else from that -- or do you think --

9 A. The Summer of '02, I could not get an
10 interview. That was after Southlawn, if
11 I stand corrected with these years. I
12 could not get an interview for anything.

13 Q. And what is your testimony today as to
14 why you could not get an interview?

15 A. Well, you have a series of events that
16 cause you to put certain events into a
17 proper perspective. After Southlawn,
18 when I received the nonrenewal, it was a
19 total surprise, because my relationship
20 with Ms. Minott allowed me to know who
21 was receiving nonrenewals. And I was
22 not one of her select persons to receive
23 a nonrenewal. I was, in fact, in her